

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

APL MICROSCOPIC, LLC,

Plaintiff,

Civil Action No.: \_\_\_\_\_

v.

4LIFE INTERNATIONAL dba  
BOUND4LIFE.COM,

Defendant.

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**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff APL MICROSCOPIC, LLC by and through undersigned counsel, brings this Complaint against Defendant 4LIFE INTERNATIONAL dba BOUND4LIFE.COM for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff APL MICROSCOPIC, LLC (“APL”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute APL’s original copyrighted works of authorship.

2. Our client is an experienced professional photographer who makes a living from photography. APL’s principal is Andrew Paul Leonard (“Leonard”). Leonard is a highly skilled and experienced creator of microscopic photography. Currently, Leonard’s “cameras” include field emission scanning electron microscopes, and the recently discovered Carl Zeiss SMT, Orion Helium ion-beam scanner. Using a scientist’s tool and “eye” to capture the splendor of a miniscule world beyond the normal range of human vision, Leonard has documented cells and

cellular bodies with high contrast experimental imagery and special optical effects to illustrate an infinitesimally small stage where color and light come together to create a commercial product unlike any available in the commercial photography market today.

3. Leonard's images, which are assigned to APL, are highly desirable, particularly in the medical, pharmaceutical, and biological research industries. APL licenses its copyrighted works, such as the one in this case, to educational publishers, health care companies, and other medical institutions and businesses for use in connection with the study of biology and related fields. Leonard's images are often licensed by APL for use in pharmaceutical advertising.

4. APL's images are in high demand. Leonard's micrography of a bone marrow stem cell was featured on the cover of Time magazine's August 7, 2006 issue. Also that year, Leonard's image of a human embryonic stem cell was featured in Time Magazine as one of "Best Photos" of 2006.

5. APL's images are unique and scarce. Leonard is one of only a very few photographers who are capable of producing quality images of cells. Few if any photographers besides Leonard have successfully captured a quality image of a bone marrow stem cell.

6. Defendant 4LIFE INTERNATIONAL dba BOUND4LIFE.COM ("Bound4Life4Life") is a grassroots Christian prayer movement with the goal of ending abortion, increasing adoptions, and to reform the government and culture.

7. APL alleges that Bound4Life copied APL's copyrighted Work from the internet in order to advertise, market and promote its business activities. Bound4Life committed the violations alleged in connection with Bound4Life's business for purposes of advertising and promoting sales to the public in the course and scope of Bound4Life's business.

### **JURISDICTION AND VENUE**

8. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

9. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

10. Defendant is subject to personal jurisdiction in South Carolina.

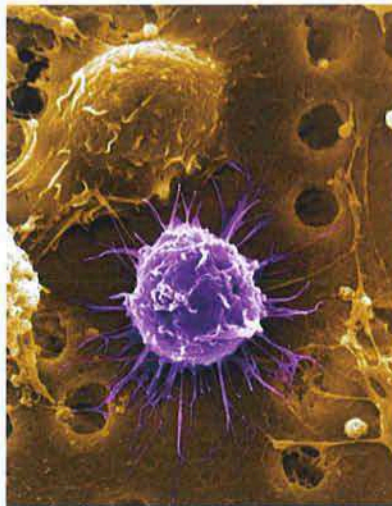
11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

### **DEFENDANT**

12. 4Life International dba Bound4life.com is a South Carolina non-profit organization with its principal place of business at 5023 Weber Court, Fort Mill, South Carolina 29715.

### **THE COPYRIGHTED WORK AT ISSUE**

13. APL created a photograph named “Scanning electron” which is shown below and referred to herein as the “Work.”



14. APL registered the Work with the Register of Copyrights on December 20, 2007 and was assigned the registration number VA 1-426-177. The Certificate of Registration is attached hereto as Exhibit 1.

15. At all relevant times APL was the owner of the copyrighted Work at issue in this case.

#### **INFRINGEMENT BY DEFENDANT**

16. Bound4Life has never been licensed to use the Work at issue in this action for any purpose.

17. On a date after the Work at issue in this action was created, but prior to the filing of this action, Bound4Life copied the Work.

18. Bound4Life copied APL's copyrighted Work without APL's permission.

19. After Bound4Life copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its Christian prayer movement business.

20. Bound4Life copied and distributed APL's copyrighted Work in connection with Bound4Life's business for purposes of advertising and promoting Bound4Life's business, and in the course and scope of advertising and selling products and services.

21. APL's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

22. Bound4Life committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

23. APL never gave Bound4Life permission or authority to copy, distribute or display the Work at issue in this case.

24. APL notified Bound4Life of the allegations set forth herein on May 4, 2018, June 20, 2018 and September 28, 2018. To date, Bound4Life has failed to respond to Plaintiff's Notices. Copies of the Notice to Bound4Life are attached hereto as Exhibit 3.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

25. Plaintiff incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. APL owns a valid copyright in the Work at issue in this case.

27. APL registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. Bound4Life copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without APL's authorization in violation of 17 U.S.C. § 501.

29. Bound4Life performed the acts alleged in the course and scope of its business activities.

30. APL has been damaged.

31. The harm caused to APL has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant Bound4Life that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: December 14, 2018

Respectfully submitted,

/s/ Hunter S. Freeman

Hunter S. Freeman (Fed. I.D. No. 9313)

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